•• REMARKS/ARGUMENTS ••

The Official Action of October 9, 2003 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, independent claim 1 has been changed to recite that there is a greater number of the fine fusion spots per unit area in outer side regions of the wings that extend inward from inner transverse edges of the male mechanical fastener strips over a transverse distance that is at least equal to widths of the male mechanical fastener strips than in inner regions of the wings that extend inward from the outer side regions.

Support for the changes to independent claim 1 can readily be found in the drawings, particularly Fig. 3. In addition, support can be found in the description as to how the male members 22 are peelably engaged with respective fastener holding zones 41 as the fastener sections 21 are folded back onto the inner surface of the diaper. (See last part of paragraph bridging pages 6 and 7). Note the holding zones 41 which have the higher density of fine fusion spots would have to have widths that are at least equal to the widths of the male mechanical fastener strips in order to engage the male mechanical fasteners when the male mechanical fastener sections are folded back onto the inner surface of the diaper.

Entry of the changes to independent claim 1 is respectfully requested.

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,957,908 to Kline et al.

The Examiner relied upon Kline et al. as disclosing:

> ...a disposable diaper 20, as shown in figure 1, comprising a topsheet 24, a backsheet 26, a liquid absorbent core 28, a front waist region 46, a rear waist region 44, a crotch region 48 and wings 62 and 64 formed on the rear portion and extending outward. Fastener sections 30 are formed on the wings 62 and 64 and extend outward, the fasteners sections 30 having male fasteners formed on and extending from their inner surfaces, as shown in figure 7. The wings 62 and 64 comprise a nonwoven fabric made of thermoplastic synthetic fibers, as discussed in column 15, lines 29-67. A plurality of fine fusion spots 250 are formed on the inner surfaces of the wings and arranged such that there is a greater number of fine fusion spots 250 per unit area in the outer side regions 253 of the wings 62 and 64 than in the inner regions 254. The area comprising the greater number of fine fusion spots 250 comprises the area extending from the outer edge of the male mechanical fastener strips 30 inward over a transverse distance that is greater than the width of the male mechanical fastener strips 30, as shown in figure 7.

The pattern of bond sites 250 used by Kline et al. provide "high bond zones."

At column 16, lines 34-47 Kline et al. teaches:

> Preferably, the differential bonding creates high bond zones 252 near or at the distal and proximal edges 66 and 68 of the ear panels to prevent creep and provide strength in those zones. (As used herein, the term "high bond zones" refers to those areas of the laminate comprising a relatively high frequency of individual bonds, a relatively greater bonded area or bonds that are relatively stronger than bonds in other areas of the laminate.) The high bond zones, including distal high bond zone 253 and proximal high bond zone 251 (as shown in FIG. 7), may be completely bonded or may comprise a relatively high frequency of bonds or large area of bonding. The high bond zones resist creeping and provide a stronger foundation for any fastening elements that may be joined thereto. (Underlying added)

As can be seen, Kline et al. teaches that the high bonding zones are configured to provide a stronger foundation for the fastening elements 30 and otherwise at or near the distal or proximal edges of the ear panels. This is shown in Fig. 7.

There is no reason for Kline et al. to provide the high bonding zones too far inwardly from the inner edges of the fastening elements 30, because this area does not require the degree of support as does the area under the fastening elements 30.

Applicants' independent claim 1 requires that there is a greater number of the fine fusion spots per unit area in outer side regions of the wings that extend inward from inner transverse edges of the male mechanical fastener strips over a transverse distance that is at least equal to widths of the male mechanical fastener strips than in inner regions of the wings that extend inward from the outer side regions.

Kline et al. does not teach that the high bonding zones extend inwardly from the fastening elements from the inner edges thereof over a distance that is at least equal to the width of the fastening elements.

Accordingly Kline et al. does not anticipate applicants' claim 1 as preliminarily amended herein.

Moreover, Kline et al., alone or in combination with any other reference, does not render obvious applicants' claim 1 as preliminarily amended herein.

Applicants' invention provides fine fusion spots on the inner surfaces of the wings in order to secure the male mechanical fastening members in peelable engagement with the upper surface of the wings.

As discussed in the paragraph bridging pages 6 and 7 or applicants' specification:

> These male members 22 are peelably engaged with respective fastener holding zones (out side regions) 41 as the fastener sections 21 are folded back onto the inner surface of the diaper (See Fig. 1).

The fine fusion spots secure portions of the fibers which form the wings and thereby provide engageable structure which cooperates with the male members 22.

Kline et al. neither teaches applicants' claimed fine fusion spots nor the function provided thereby.

Accordingly, it is submitted that applicants' invention defines over Kline et al. both structurally and functionally.

On page 3 of the Official Action the Examiner has taken the position that Kline et al. does not expressly disclose that the fine fusion spots are located on the inner exposed surfaces of the wings.

Nevertheless, the Examiner takes the position that:

> At the time the invention was made, it would have been an obvious matter of design choice...to have the fine fusion spots on the inner exposed surfaces of the wings because the *applicant has not disclosed that having the fine fusion spots on the inner exposed surfaces of the wings solves any stated problem or serves any particular purpose.*

Applicants disagree with the Examiner's statement that they have "*not disclosed that having the fine fusion spots on the inner exposed surfaces of the wings solves any stated problem or serves any particular purpose.*"

Having the fine fusion spots on the inner exposed surfaces of the wings provides a structured landing, engagement area for the mechanical fasteners in applicants' invention, when the fastener sections 21 are folded over as shown in Fig. 1.

Kline et al. does not teach that the closure members 30 are folded over to engage an adjacent surface area of the ear panels 64.

Accordingly, it is submitted that applicants have established that the having the fine fusion spots on the inner exposed surface of the wings does provide a unique and functional structure that Kline et al. completely fails to teach or otherwise appreciate.

Therefore, this difference which is noted by the Examiner further distinguishes applicants' invention over Kline et al.

Based upon the above distinctions between Kline et al. the present invention, and the overall teachings of Kline et al., properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Kline et al. as required under 35 U.S.C. §103 as anticipating applicants' claimed invention. It is, therefore, submitted that any reliance Kline et al. would be improper inasmuch as Kline et al. does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Kline et al. and the outstanding rejection of the claims should hence be withdrawn.

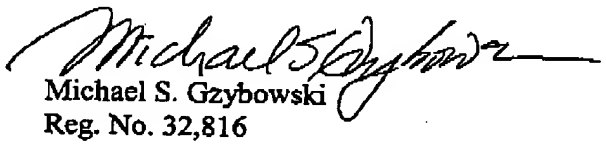
Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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